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2 May 1978

TO: Mr. Forrest Frank
Subcommittee Staff Associate
Subcommittee International Operations
~~Committee on International Relations~~
Washington, D.C.   20515

Per our discussion this morning
forwarding attached comments on S&T
amendment.   Please call us this
afternoon to let us know what
transpired in Subcommittee today.

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Assistant Legislative Counsel

FORM 1533 OBSOLETE
6-68   PREVIOUS
           EDITIONS
(40)

The Committee on International Relations is considering as an amendment to the Foreign Relations Authorization Act for FY 1979 a new Title V, "Science, Technology and American Diplomacy." This title is intended to bring an added degree of coordination to science and technology activities of United States agencies as these involve foreign relations. The Secretary of State would play a role in coordinating and implementing such initiatives, activities and agreements with foreign governments or international organizations.

The scope of the new title, however, is unclear, since the key terms are not defined--"initiative involving science or technology" (paragraph 503(a)(1)) and "activities and agreements involving science or technology" (paragraph 503(b)(2)). This could lead to problems, in that activities and agreements, whose only relationship with "science or technology" may tangentially involve the use of scientific or technological devices in support thereof, could be construed to come within the ambit of this legislation. This could affect, for example, sensitive intelligence activities conducted by the CIA pursuant to authority granted in the National Security Act of 1947, as amended, the Central Intelligence Agency Act of 1949, as amended, and Executive Order 12036.

Specifically, the amendment could be construed to grant the State Department a management role vis-a-vis other Federal agencies insofar as they might be involved in matters that only peripherally involve "science or technology." For example, paragraph 503(a)(1) implies a prior approval or at a minimum, prior review by the Secretary of State of all "initiative[s] involving science or technology." Subsection 503(b) could be construed to allow the Secretary to set hiring requirements and standards for a broad range of Federal employees, simply because they are involved in "science or technology" tasks. Paragraph 503 (b)(2) calls for an annual report, prepared by the Secretary of State to the Congress concerning the "continuation of existing bilateral and multilateral activities and agreements involving science and technology." This is troublesome because it could be construed to apply to intelligence activities conducted by entities of the Intelligence Community, which should appropriately be left to consideration by the intelligence oversight committees. Moreover, there is no specific provision in the amendment to protect against public disclosure of intelligence sources and methods or other information concerning the CIA protected by section 6 of the CIA Act of 1949, as amended. Finally, the authority granted the Secretary in subsection 504(a) to be primarily responsible "for coordination and oversight with respect to all science or science and technology agreements and activities," for the reasons stated above, could be in conflict with the responsibilities of the Director of Central Intelligence relating to implementation and coordination of intelligence activities involving foreign governments (e.g. section 1-601 (g) of Executive Order 12036).

For these reasons it is recommended that the proposed Title V be amended to clarify that it is not intended to cover activities of Federal agencies and departments, and particularly the CIA, that only peripherally involve "science and technology" and which are not themselves designed to implement United States Government science and technology policies or significant programs.

SUGGESTED AMENDMENT TO PROPOSED TITLE V,
FOREIGN RELATIONS AUTHORIZATION ACT, FY 79

A new §504 should be inserted in the amendment to read:

"SEC. 504.   No provision in this title shall be .
construed to apply to any initiative, activity or
agreement carried out by the Director of Central
Intelligence pursuant to the National Security
Act of 1947, as amended (50 U.S.C. 403), or the
Central Intelligence Agency Act of 1949, as amended
(50 U.S.C. 403(a) et seq.)."

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SUGGESTED AMENDMENT TO PROPOSED TITLE V,
FOREIGN RELATIONS AUTHORIZATION ACT, FY 79

Title V should be amended by:

(a) inserting in paragraph 503(a)(1) the phrase "policy" after the phrase "...any initiative involving science or technology...";

(b) inserting in paragraph 503(b)(1) the phrase "policy" after the phrase "...and science or technology" but before the semi-colon;

(c) amending paragraph 503(b)(2) by inserting the term "policy" after the phrase "the continuation of existing bilateral and multilateral activites and agreements involving science and technology" but before the comma; and,

(d) amending subsection 504(a) to read:

> "In order to implement the policy set forth in section 502 of this Act, the Secretary of State...shall have primary responsibility for coordination and oversight with respect to all agreements and activities substantially involving science or science and technology policy between the United States and foreign countries...are members."

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SUGGESTED AMENDMENT TO PROPOSED TITLE V,
FOREIGN RELATIONS AUTHORIZATION ACT, FY 79

A new subsection 503(c) should be added to read:

"(c) Except as otherwise provided by
law nothing in this section shall be
construed as requiring the disclosure
of sensitive information relating to
intelligence sources and methods or
other information relating to personnel,
standards, training, funding or
administration of any activity by any
agency or department involving
intelligence."

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